

(Pub. L. 98–111, §7, Oct. 4, 1983, 97 Stat. 752; Pub. L. 98–411, title V, §512, Aug. 30, 1984, 98 Stat. 1574; Pub. L. 105–277, div. G, subdiv. A, title XIII, §1324(2), Oct. 21, 1998, 112 Stat. 2681–781.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

CODIFICATION

Section was enacted as part of the Radio Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

AMENDMENTS

1998—Subsecs. (b), (d). Pub. L. 105–277 substituted “Board” for “Agency”.

1984—Subsec. (b). Pub. L. 98–411 substituted “replaced (less)” for “(replaced less)”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105–277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105–277, set out as an Effective Date note under section 6531 of this title.

§ 1465f. Authorization of appropriations

(a) There are authorized to be appropriated for the Broadcasting Board of Governors \$14,000,000 for fiscal year 1984 and \$11,000,000 for fiscal year 1985 to carry out sections 1465a and 1465b of this title. The amount obligated by the Broadcasting Board of Governors in ensuing fiscal years shall be sufficient to maintain broadcasts to Cuba under this subchapter at rates no less than the fiscal year 1985 level.

(b) In addition to amounts otherwise authorized to be appropriated to the Board for the fiscal years 1984 and 1985, there are authorized to be appropriated to the Board \$54,800,000 for the fiscal year 1984 and \$54,800,000 for the fiscal year 1985, which amounts shall be available only for expenses incurred by essential modernization of the facilities and operations of the Voice of America.

(c) Amounts appropriated under this section are authorized to be made available until expended.

(Pub. L. 98–111, §8, Oct. 4, 1983, 97 Stat. 752; Pub. L. 105–277, div. G, subdiv. A, title XIII, §1324(1), (2), Oct. 21, 1998, 112 Stat. 2681–781.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

CODIFICATION

Section was enacted as part of the Radio Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105–277, §1324(1), substituted “Broadcasting Board of Governors” for “United States Information Agency” in two places.

Subsec. (b). Pub. L. 105–277, §1324(2), substituted “Board” for “Agency” in two places.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105–277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105–277, set out as an Effective Date note under section 6531 of this title.

§ 1465g. Repealed. Pub. L. 103–236, title I, § 139(9), Apr. 30, 1994, 108 Stat. 398

Section, Pub. L. 98–111, §9, Oct. 4, 1983, 97 Stat. 753, directed United States Information Agency to arrange for independent evaluations of Cuba Service programming for submission to Congress.

SUBCHAPTER V-B—TELEVISION BROADCASTING TO CUBA

REPEAL OF SUBCHAPTER

Subchapter repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

§ 1465aa. Findings and purposes

The Congress finds and declares that—

(1) it is the policy of the United States to support the right of the people of Cuba to seek, receive, and impart information and ideas through any media and regardless of frontiers, in accordance with article 19 of the Universal Declaration of Human Rights;

(2) consonant with this policy, television broadcasting to Cuba may be effective in furthering the open communication of accurate information and ideas to the people of Cuba and, in particular, information about Cuba;

(3) television broadcasting to Cuba, operated in a manner not inconsistent with the broad foreign policy of the United States and in accordance with high professional standards, would be in the national interest;

(4) facilities broadcasting television programming to Cuba must be operated in a manner consistent with applicable regulations of the Federal Communications Commission, and must not affect the quality of domestic broadcast transmission or reception; and

(5) that¹ the Voice of America already broadcasts to Cuba information that represents America, not any single segment of American society, and includes a balanced and comprehensive projection of significant American thought and institutions, but that there is a need for television broadcasts to Cuba which provide news, commentary, and other information about events in Cuba and elsewhere to promote the cause of freedom in Cuba.

(Pub. L. 101–246, title II, §242, Feb. 16, 1990, 104 Stat. 58.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

¹ So in original. The word “that” probably should not appear.

CODIFICATION

Section was enacted as part of the Television Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

SHORT TITLE

Section 241 of Pub. L. 101-246 provided that: “This part [part D (§§ 241-248) of title II of Pub. L. 101-246, enacting this subchapter, amending section 1465c of this title, and enacting provisions set out as notes under section 1465c of this title] may be cited as the ‘Television Broadcasting to Cuba Act.’”

§ 1465bb. Television broadcasting to Cuba**(a) Television broadcasting to Cuba**

In order to carry out the purposes set forth in section 1465aa of this title and notwithstanding the limitation of section 1461 of this title with respect to the dissemination in the United States of information prepared for dissemination abroad to the extent such dissemination is inadvertent, the Broadcasting Board of Governors (hereafter in this subchapter referred to as the “Agency”¹) shall provide for the open communication of information and ideas through the use of television broadcasting to Cuba. Television broadcasting to Cuba shall serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

(b) Voice of America standards

Television broadcasting to Cuba under this subchapter shall be in accordance with all Voice of America standards to ensure the broadcast of programs which are objective, accurate, balanced, and which present a variety of views.

(c) Television Marti

Any program of United States Government television broadcasts to Cuba authorized by this section shall be designated the “Television Marti Program”.

(d) Frequency assignment

(1) Subject to the Communications Act of 1934 [47 U.S.C. 151 et seq.], the Federal Communications Commission shall assign by order a suitable frequency to further the national interests expressed in this subchapter, except that no such assignment shall result in objectionable interference with the broadcasts of any domestic licensee.

(2) No Federal branch or agency shall compel an incumbent domestic licensee to change its frequency in order to eliminate objectionable interference caused by broadcasting of the Service.

(3) For purposes of section 305 of the Communications Act of 1934 [47 U.S.C. 305], a television broadcast station established for purposes of this subchapter shall be treated as a government station, but the Federal Communications Commission shall exercise the authority of the President under such section to assign a frequency to such station.

(e) Interference with domestic broadcasting

(1) Broadcasting by the Television Marti Service shall be conducted in accordance with such

parameters as shall be prescribed by the Federal Communications Commission to preclude objectionable interference with the broadcasts of any domestic licensee. The Television Marti Service shall be governed by the same standards regarding objectionable interference as any domestic licensee. The Federal Communications Commission shall monitor the operations of television broadcasting to Cuba pursuant to subsection (f) of this section. If, on the basis of such monitoring or a complaint from any person, the Federal Communications Commission determines, in its discretion, that broadcasting by the Television Marti Service is causing objectionable interference with the transmission or reception of the broadcasts of a domestic licensee, the Federal Communications Commission shall direct the Television Marti Service to cease broadcasting and to eliminate the objectionable interference. Broadcasts by the Service shall not be resumed until the Federal Communications Commission finds that the objectionable interference has been eliminated and should not recur.

(2) The Federal Communications Commission shall take such actions as are necessary and appropriate to assist domestic licensees in overcoming the adverse effects of objectionable interference caused by broadcasting by the Television Marti Service. Such assistance may include the authorization of nondirectional increases in the effective radiated power of a domestic television station so that its coverage is equivalent to the maximum allowable for such facilities, to avoid any adverse effect on such stations of the broadcasts of the Television Marti Service.

(3) If the Federal Communications Commission directs the Television Marti Service to cease broadcasting pursuant to paragraph (1), the Commission shall, as soon as practicable, notify the appropriate committees of Congress of such action and the reasons therefor. The Federal Communications Commission shall continue to notify the appropriate committees of Congress of progress in eliminating the objectionable interference and shall assure that Congress is fully informed about the operation of the Television Marti Service.

(f) Monitoring of interference

The Federal Communications Commission shall continually monitor and periodically report to the appropriate committees of the Congress interference to domestic broadcast licensees—

(1) from the operation of Cuban television and radio stations; and

(2) from the operations of the television broadcasting to Cuba.

(g) Task force

It is the sense of the Congress that the President should establish a task force to analyze the level of interference from the operation of Cuban television and radio stations experienced by broadcasters in the United States and to seek a practical political and technical solution to this problem.

(Pub. L. 101-246, title II, §243, Feb. 16, 1990, 104 Stat. 59; Pub. L. 105-277, div. G, subdiv. A, title XIII, §1325(1), (2), Oct. 21, 1998, 112 Stat. 2681-781.)

¹ So in original. Probably should be “‘Board’”.

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

REFERENCES IN TEXT

The Communications Act of 1934, referred to in subsec. (d)(1), is act June 19, 1934, ch. 652, 48 Stat. 1064, as amended, which is classified principally to chapter 5 (§151 et seq.) of Title 47, Telegraphs, Telephones, and Radiotelegraphs. For complete classification of this Act to the Code, see section 609 of Title 47 and Tables.

CODIFICATION

Section was enacted as part of the Television Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277, §1325(1), substituted “Broadcasting Board of Governors” for “United States Information Agency”.

Subsec. (c). Pub. L. 105-277, §1325(2), in heading struck out “USIA” before “Television” and in text substituted “the ‘Television’ for ‘USIA Television’”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which a report required under subsec. (f) of this section is listed on page 167), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

§ 1465cc. Television Marti Service

(a) Television Marti Service

There is within the Voice of America a Television Marti Service. The Service shall be responsible for all television broadcasts to Cuba authorized by this subchapter. The Broadcasting Board of Governors shall appoint a head of the Service who shall report directly to the International Broadcasting Bureau. The head of the Service shall employ such staff as the head of the Service may need to carry out the duties of the Service.

(b) Use of existing facilities of Board

To assure consistency of presentation and efficiency of operations in conducting the activities authorized under this subchapter, the Television Marti Service shall make maximum feasible utilization of Board facilities and management support, including Voice of America: Cuba Service, Voice of America, and the United States International Television Service.

(c) Authority

The Board may carry out the purposes of this subchapter by means of grants, leases, or contracts (subject to the availability of appropriations), or such other means as the Board determines will be most effective.

(Pub. L. 101-246, title II, §244, Feb. 16, 1990, 104 Stat. 61; Pub. L. 105-277, div. G, subdiv. A, title XIII, §1325(3), (4), Oct. 21, 1998, 112 Stat. 2681-781.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

CODIFICATION

Section was enacted as part of the Television Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

AMENDMENTS

1998—Pub. L. 105-277, §1325(4)(A), struck out “of the United States Information Agency” after “Service” in section catchline.

Subsec. (a). Pub. L. 105-277, §1325(4)(B)(ii), which directed amendment of subsec. (a) in second sentence by substituting “Broadcasting Board of Governors” for “Director of the United States Information Agency” and “the International Broadcasting Bureau” for “the Director of the Voice of America”, was executed by making the substitutions in third sentence, to reflect the probable intent of Congress.

Pub. L. 105-277, §1325(4)(B)(i), substituted “There is” for “The Director of the United States Information Agency shall establish” in first sentence.

Subsec. (b). Pub. L. 105-277, §1325(4)(C), substituted “Board facilities” for “Agency facilities” and “International” for “Information Agency”.

Subsec. (c). Pub. L. 105-277, §1325(3), (4)(D), in heading struck out “USIA” before “Authority”, and in text substituted “Board” for “Agency” in two places.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

§ 1465dd. Assistance from other Government agencies

In order to assist the Broadcasting Board of Governors in carrying out the provisions of this subchapter, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of the Board.

(Pub. L. 101-246, title II, §246, Feb. 16, 1990, 104 Stat. 62; Pub. L. 105-277, div. G, subdiv. A, title XIII, §1325(1), (3), Oct. 21, 1998, 112 Stat. 2681-781.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

CODIFICATION

Section was enacted as part of the Television Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

AMENDMENTS

1998—Pub. L. 105-277 substituted “Broadcasting Board of Governors” for “United States Information Agency” and “the Board” for “the Agency”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

§ 1465ee. Authorization of appropriations**(a) Authorization of appropriations**

In addition to amounts otherwise made available under section 201 for such purposes, there are authorized to be appropriated to the United States Information Agency, \$16,000,000 for the fiscal year 1990 and \$16,000,000 for the fiscal year 1991 for television broadcasting to Cuba in accordance with the provisions of this subchapter.

(b) Limitation

(1) Subject to paragraph (2), no funds authorized to be appropriated under subsection (a) of this section may be obligated or expended unless the President determines and notifies the appropriate committees of Congress that the test of television broadcasting to Cuba (as authorized by title V of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989 (Public Law 100-459)) has demonstrated television broadcasting to Cuba is feasible and will not cause objectionable interference with the broadcasts of incumbent domestic licensees. The Federal Communications Commission shall furnish to the appropriate committees of Congress all interim and final reports and other appropriate documentation concerning objectionable interference from television broadcasting to Cuba to incumbent domestic licensees.

(2) Not less than 30 days before the President makes the determination under paragraph (1), the President shall submit a report to the appropriate committees of the Congress which includes the findings of the test of television broadcasting to Cuba. The period for the test of television broadcasting may be extended until—

- (A) the date of the determination and notification by the President under paragraph (1), or
- (B) 30 days,

whichever comes first.

(c) Availability of funds

Amounts appropriated to carry out the purposes of this subchapter are authorized to be available until expended.

(Pub. L. 101-246, title II, §247, Feb. 16, 1990, 104 Stat. 62; Pub. L. 102-138, title II, §232, Oct. 28, 1991, 105 Stat. 703.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

REFERENCES IN TEXT

Section 201, referred to in subsec. (a), means section 201 of Pub. L. 101-246, title II, Feb. 16, 1990, 104 Stat. 48, which was not classified to the Code.

Title V of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989 (Public Law 100-459), referred to in subsec. (b)(1), is title V of Pub. L. 100-459, Oct. 1, 1988, 102 Stat. 2213, which was not classified to the Code.

CODIFICATION

Section was enacted as part of the Television Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

AMENDMENTS

1991—Subsec. (c). Pub. L. 102-138 added subsec. (c).

TRANSFER OF FUNCTIONS

United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau) abolished and functions transferred to Secretary of State, see sections 6531 and 6532 of this title.

TELEVISION BROADCASTING TO CUBA

Determination of President of the United States, No. 90-35, Aug. 26, 1990, 55 F.R. 38659, provided:

Pursuant to the authority vested in me by section 247 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) (the Act) [this section], I hereby determine that the test of television broadcasting to Cuba (as authorized by title V of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1989 (Public Law 100-459) [Pub. L. 100-459, title V, Oct. 1, 1988, 102 Stat. 2213]), has demonstrated television broadcasting to Cuba is feasible and will not cause objectionable interference with the broadcasts of incumbent domestic licensees.

You are authorized and directed to transmit this determination to the appropriate committees of Congress (as defined in section 248 of the Act [22 U.S.C. 1465ff]) and to arrange for its publication in the Federal Register.

GEORGE BUSH.

§ 1465ff. Definitions

As used in this subchapter—

(1) the term “licensee” has the meaning provided in section 153(c)¹ of title 47;

(2) the term “incumbent domestic licensee” means a licensee as provided in section 153(c)¹ of title 47 that was broadcasting a television signal as of January 1, 1989;

(3) the term “objectionable interference” shall be applied in the same manner as such term is applied under regulations of the Federal Communications Commission to other domestic broadcasters; and

(4) the term “appropriate committees of Congress” includes the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives and the Committee on Foreign Relations of the Senate.

(Pub. L. 101-246, title II, §248, Feb. 16, 1990, 104 Stat. 62.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

REFERENCES IN TEXT

Section 153 of title 47, referred to in pars. (1) and (2), was subsequently amended, and section 153(c) no longer

¹ See References in Text note below.

defines “licensee”. However, such term is defined elsewhere in that section.

CODIFICATION

Section was enacted as part of the Television Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

CHANGE OF NAME

Committee on Energy and Commerce of House of Representatives treated as referring to Committee on Commerce of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Commerce of House of Representatives changed to Committee on Energy and Commerce of House of Representatives, and jurisdiction over matters relating to securities and exchanges and insurance generally transferred to Committee on Financial Services of House of Representatives by House Resolution No. 5, One Hundred Seventh Congress, Jan. 3, 2001.

SUBCHAPTER VI—ADVISORY COMMISSIONS TO FORMULATE POLICIES

§§ 1466 to 1468. Omitted

CODIFICATION

Sections 1466 to 1468 of this title, contained provisions relating to the United States Advisory Commission on Information, and the United States Advisory Commission on Educational Exchange. Public Law 87-256, §§ 106, 111(a)(2), Sept. 21, 1961, 75 Stat. 532, 538, replaced the Advisory Commission on Educational Exchange with the Advisory Commission on International Educational and Cultural Affairs and repealed these sections insofar as they related to the Advisory Commission on Educational Exchange. The Advisory Commission on International Educational and Cultural Affairs and the Advisory Commission on Information were both abolished by Reorg. Plan No. 2 of 1977, § 9(a)(3), (4), 42 F.R. 62461, 91 Stat. 1639, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President.

Section 1466, acts Jan. 27, 1948, ch. 36, § 601, 62 Stat. 10; Sept. 21, 1961, Pub. L. 87-256, § 111(a)(2), 75 Stat. 538, created the United States Advisory Commission on Information, and the United States Advisory Commission on Educational Exchange and provided for the duties of the Commissions.

Section 1467, acts Jan. 27, 1948, ch. 36, title VI, § 602, 62 Stat. 10; Sept. 21, 1961, Pub. L. 87-256, § 111(a)(2), 75 Stat. 538, provided for the composition, membership, terms of office, compensation, designation of chairmen, rules and regulations, and representation of the public interest, for the Commission on Information and the Commission on Educational Exchange.

Section 1468, acts Jan. 27, 1948, ch. 36, title VI, § 603, 62 Stat. 11; Sept. 21, 1961, Pub. L. 87-256, § 111(a)(2), 75 Stat. 538, provided that the Commissions report to Congress on programs and activities carried out under this chapter, including recommendations for effectuating the purposes and objectives of this chapter.

§ 1469. United States Advisory Commission on Public Diplomacy

(a) Establishment

(1) There is established an advisory commission to be known as the United States Advisory Commission on Public Diplomacy.

(2) The Commission shall consist of seven members appointed by the President, by and with the advice and consent of the Senate. The members of the Commission shall represent the public interest and shall be selected from a cross

section of educational, communications, cultural, scientific, technical, public service, labor, business, and professional backgrounds. Not more than four members shall be from any one political party.

(3) The term of each member shall be 3 years, except that of the original seven appointments, two shall be for a term of 1 year and two shall be for a term of 2 years.

(4) Any member appointed to fill a vacancy occurring before the expiration of the term for which a predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of a member's term of office, such member may continue to serve until a successor is appointed and qualified.

(5) The President shall designate a member to chair the Commission.

(b) Staff

The Commission shall have a staff director who shall be appointed by the chairperson of the Commission. Subject to such rules and regulations as may be adopted by the Commission, the chairperson of the Commission may—

(1) appoint such additional personnel for the staff of the Commission as the chairperson considers necessary; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5.

(c) Duties and responsibilities

(1) The Commission shall formulate and recommend to the Director of the United States Information Agency, the Secretary of State, and the President policies and programs to carry out the functions vested in the Director or the Agency, and shall appraise the effectiveness of policies and programs of the Agency.

(2) The Commission shall submit to the Congress, the President, the Secretary of State, and the Director of the United States Information Agency annual reports on programs and activities carried out by the Agency, including appraisals, where feasible, as to the effectiveness of the several programs. The Commission shall also include in such reports such recommendations as shall have been made by the Commission to the Director for effectuating the purposes of the Agency, and the action taken to carry out such recommendations.

(3) The Commission may also submit such other reports to the Congress as it considers appropriate, and shall make reports to the public in the United States and abroad to develop a better understanding of and support for the programs conducted by the Agency.

(4) The Commission's reports to the Congress shall include assessments of the degree to which the scholarly integrity and nonpolitical character of the educational and cultural exchange activities vested in the Director of the United States Information Agency have been maintained, and assessments of the attitudes of foreign scholars and governments regarding such activities.